

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:22-CV-00075-M-BM

SHARNESE T. LANIER,

Plaintiff,

v.

DEBORAH LANIER,

Defendant.

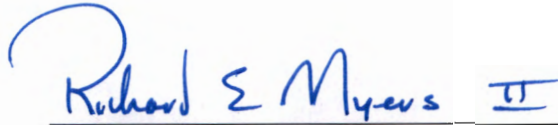
ORDER

This matter comes before the court on a memorandum and recommendation (“M&R”) issued by United States Magistrate Judge Brian S. Meyers [DE 11]. Pursuant to 28 U.S.C. § 1915, Judge Meyers screened the proposed pleading in this case and recommends that this court dismiss the complaint as frivolous and for failure to state a claim. *See id.* Judge Meyers instructed the Plaintiff to file any written objections to his recommendation on or before September 10, 2024. *Id.* at 15. To date, no objections have been filed.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court REMANDS (to the extent that the matter has been properly removed and remains pending) Plaintiff's original matter to the state court in New Hanover County, North Carolina, and DISMISSES the proposed complaint (DE 7) as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).¹ The Clerk of the Court shall close this case.

SO ORDERED this 16th day of September, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

¹ The court also adopts Judge Meyers' alternate finding, in which he construed the pleading liberally, that Plaintiff's allegations fail to state a claim for relief pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).